

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

ATLANTIC NATIONAL TRUST, LLC, ) Civil Action No.: 4:06-1506-TLW-TER  
                                       )  
                                       )  
                                       Plaintiff, )  
                                       )  
                                       )  
-vs-                               )  
                                       )  
E.DONALD BAME; TRILOGY, LLC; )  
LOUISE H. BAME; JOHN L. ELLIS; )  
FANNIE G. ELLIS; THE PREMIUM )  
GLASS COMPANY, INC.; G. THOMAS )  
THORNTON; and BETTY L THORNTON; )  
                                       )  
                                       Defendants. )  
                                       )  
                                       )  
THE PREMIUM GLASS COMPANY, )  
INC.; G. THOMAS THORNTON; and )  
BETTY L. THORNTON; )  
                                       )  
                                       )  
Third-Party Plaintiffs, )  
                                       )  
-vs-                               )  
                                       )  
SOUTHEASTERN MILLWORK )  
COMPANY, a/k/a SOUTHEASTERN )  
MILLWORK CO., INC. and MULLINS )  
DEVELOPMENT, INC.; )  
                                       )  
                                       )  
Third-Party Defendants. )  
                                       )  
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                                       )  
                                       )

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In

his Report, Magistrate Judge Rogers recommends that Plaintiff's Motion to Dismiss (Doc. # 147) be granted as to Premium's claims and denied as to the Thornton's claims. It is further recommended that a bench trial be scheduled as to the Thornton's claims and that they not be allowed to perform any discovery or continue the bench trial for any reason, including the retention of new counsel. No objections to the Report have been filed.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. No objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 177), and Plaintiff's Motion to Dismiss (Doc. # 147) is **GRANTED** as to Premium's claims and **DENIED** as to the Thornton's claims. It is further **ORDERED** that this case is remanded back to the Magistrate Judge for a bench trial to be scheduled as to the Thornton's claims and for preparation of a Report and Recommendation as to those outstanding claims, as well as for final disposition of the case.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

February 24, 2009  
Florence, South Carolina